IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 501 of 2003 (M/B)

1. Kamlesh Kumar Garg S/o Late Sri Laxmi Chand
2. Pramod Kumar Garg S/o Late Sri Laxmi Chand
Both R/o Hospital Road,
Vikas Nagar, Dehradun,
Through Power of Attorney
Sri Kamlesh Kumar. ……. Petitioners

Versus

1. Municipal Board,
Vikas Nagar,
District Dehradun,
Through its Executive Officer.
2. Executive Officer,
Municipal Board,
Vikas Nagar, Dehradun. …… Respondents

Mr. Nagesh Aggarwal, Advocate for the petitioners.
Ms. Prabha Noliyal, Advocate on behalf of Mr. A. Rab, Advocate for the respondents.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Nagesh Aggarwal, Advocate for the petitioners.

Ms. Prabha Noliyal, Advocate on behalf of Mr. A. Rab, Advocate for the respondents.

2. The petitioners have filed this writ petition in the year 2003 for the following reliefs:

> "1. Issue a writ order or direction in the nature of mandamus directing the respondents to decide the application of the petitioners and grant permission to raise construction.
>
> 2. Issue any writ order or direction which this Hon'ble Court may deem fit and proper in view of the circumstances of the case.
>
> 3. To award the cost of present writ petition in favour of the petitioner."

3. The petitioners have filed this writ petition under the impression that the application filed by them on 08.10.2001 for sanction of map and permission to raise construction of shop was pending on the date of filing of the writ petition.

4. In the counter affidavit filed in Contempt Petition No. 100 of 2004, it has categorically been stated that the petitioners' application dated 08.10.2001 was rejected by the authorities on 06.12.2001.

5. Thus, the very foundation of the writ petition does not survive.

6. The writ petition, therefore, is dismissed.

(P.C. Pant, J.)
13.04.2006

(Rajeev Gupta, C.J.)
13.04.2006

G